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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,492	09/02/2003	Dae-Sung Han	1594.1279	2700

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EXAMINER

BASICHAS, ALFRED

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/652,492

Applicant(s)

HAN ET AL.

Examiner

Alfred Basichas

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 and 19 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-13, 16, 17, 20-22 and 28 is/are rejected.
- 7) ☒ Claim(s) 4-6, 14, 15, 23-27, 29 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 27 May 2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 9, 11, 12, 20-22, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Makris (GB2286111), which shows all of the claimed limitations. Makris shows a cooking apparatus including, among other things, two heating units 23, heat reflecting units 24, water cooling unit 11, and water reservoir/oil drip collector 15.
3. Claims 1, 2, 7-9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Masters (4,421,015), which shows all of the claimed limitations. Masters shows a cooking apparatus (see at least fig. 5 and col. 7, lines 3-58) including, among other things, heating unit 58, heat reflecting units 59, and cooling unit (at least at col. 5, lines 27-40).
4. Claims 1, 9, 12, 13, 21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Guerrier (FR2670274), which shows all of the claimed limitations. Guerrier shows a cooking apparatus (see at least fig. 1 and page 4, line 1 – page 5, line

2) including, among other things, heating unit 4, heat reflecting units 5, and water cooling unit 6.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Makris (GB2286111) in view of Hennick (5,189,945). Makris discloses substantially all of the claimed limitations, but does not specifically recite the plurality of water tanks connected by hollow grill pipes. Hennick teaches a cooking unit (see at least figs. 1,2) including a plurality of water tanks connected by hollow grill pipes that allows for the water to pass through the pipes so as to cool the grill enough to avoid food sticking thereto.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated the arrangement taught by Hennick into the apparatus disclosed by Makris, so as to avoid food sticking to the grill.

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Makris (GB2286111) or Guerrier (FR2670274), which disclose substantially all of the claimed limitations, but do not specifically recite the reflecting unit made of stainless steel.

Official Notice is given that stainless steel for reflectors is old and well known in the art. Such an arrangement has the clear and obvious benefit of providing for a long lasting and effective reflector that resists corrosion. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to have incorporated stainless steel for the reflector material into the invention disclosed by Makris or Guerrier, so as to provide for a long lasting and effective reflector that resists corrosion.

Allowable Subject Matter

10. Claims 18 and 19 are allowed.

11. Claims 4-6, 14, 15, 23-27, 29, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Basichas whose telephone number is 703 306 3476. The examiner can normally be reached on Monday through Friday during regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 703 308 1935. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0861.

July 6, 2004


Alfred Basichas
Primary Examiner
703 306 3476